

REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

The Office Action of April 9, 2007 objected to the drawings but failed to state a basis for the objection. Therefore, no changes to the drawings are being submitted with this response. Applicants kindly request that the Examiner state a basis for any objection to the drawings. In response to any such objection, the Applicants will appropriately modify the drawings.

Additionally, the Office Action Summary fails to acknowledge the claim for foreign priority. An acknowledgment of the claimed priority is respectfully requested.

This amendment amends the specification to correct a typographical error. No new matter was added to the specification by this correction. This amendment also amends the Abstract.

Claims 1-10 stand rejected as being indefinite under 35 U.S.C. §112, second paragraph. Additionally, claims 1-3 and 6-10 stand rejected as being anticipated under 35 U.S.C. §102(b) by Timperi et al., U.S. Patent No. 6,041,683, Johnson, U.S. Patent No. 4,722,258, and McCallum, U.S. Patent No. 2,795,933. It is respectfully acknowledged that claims 4 and 5 were not rejected on the basis of any art.

This amendment amends cancels claims 1 and 10, amends claims 2-5 and 8, and adds new claims 11-17.

Claim 4 has been amended to include the subject matter of claim 1. As claim 4 was not rejected on the basis of any art, it is respectfully suggested that claim 4, in its independent form, is in a condition for allowance.

Claim 5 depends from claim 4 and is allowable for at least the same reasons as claim 4.

It is respectfully suggested that claim 11 patentably defines over Timperi et al., Johnson, and McCallum. None of Timperi et al., Johnson, and McCallum discloses all of the limitations of claim 11.

Timperi et al. fails to teach or suggest a control valve as recited in claim 11. Timperi et al. teaches a starting valve 3 for starting and stopping the motor M (Col. 2, lines 54-55) that is separate from a valve for controlling the motor M during operation (control valve 4, see Col. 2, lines 45-48). Timperi et al. further teaches a third valve (adjusting valve 2) for controlling the flow of hydraulic fluid to the cylinder S (Col. 2, lines 38-41). Additionally, in Timperi et al., a valve does not coordinate fluid flow to the second drive unit with the fluid flow to the motor. Instead, in Timperi et al. any coordination of the flow to the motor and the flow to the cylinder is controlled by a computing means 8. (Col. 3, lines 13-27). Since Timperi et al. fails to teach or suggest each feature of claim 11, claim 11 patentably defines over Timperi et al.

Johnson fails to teach or suggest a main duct (1) through which a flow of hydraulic fluid is directed to the motor and to the second drive unit (37/60) with the flow of hydraulic fluid through the main conduit being divided and a first portion of the hydraulic fluid being directed to an inlet side of the motor and a second, different portion of the hydraulic fluid being directed to the second drive unit. In Johnson, all of the flow from the pump 124 is directed to the motor 120. The hydraulic fluid conduit leading to the cylinder 88 in Johnson is downstream of the motor.

McCallum fails to teach or suggest a control valve as recited in claim 11. In McCallum, valve 80 controls hydraulic fluid flow to the motor 27 and valve 40 controls hydraulic fluid flow to the cylinders 18 and 32. There is not coordination between the two valves.

Additionally, claim 11 patentably defines over any combination of Temperi et al., Johnson, and McCallum. None of the references teaches or suggest a main conduit that divides the flow of hydraulic fluid between a motor and a second drive unit with a flow control valve for coordinating the flow of hydraulic fluid to the second drive unit with the flow of hydraulic fluid to the motor. Therefore, claim 11 patentably defines over a combination of the references.

Claims 2, 3, 7-9, and 12-17 depend from claim 11 and are patentable for at least the same reasons as claim 11.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and prompt notice to that effect is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



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